



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/911,904	07/23/2001	Spencer B. Farr	400742000200

Terri M. Shieh-Newton
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304-1018



CONFIRMATION NO. 4189

FORMALITIES LETTER



OC000000008026428

Date Mailed: 05/06/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 04/09/2002 to the Notice to File Missing Parts (Notice) mailed 11/06/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
 - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
FOR FY 2002**

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/911,904
Filing Date	July 23, 2001
First Named Inventor	Spencer B. FARR
Examiner Name	To Be Assigned
Group Art Unit	1642
Attorney Docket No.	400742000200

TOTAL AMOUNT OF PAYMENT

(\$)780.00

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

03-1952

Deposit
Account
Name

Morrison & Foerster LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)0.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
40	- 40 =	0	x 9 = \$0.00
Independent Claims	10	- 10 =	0 x 42 = \$0.00
Multiple Dependent		140	= \$0.00

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)0.00

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) Adjusted five-month extension of time \$980.00 - \$200.00 paid 4/5/02

780

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)780.00

SUBMITTED BY

Name (Print/Type)

Terri M. Shieh-Newton

Registration No.
(Attorney/Agent)

47,081

Complete (if applicable)

Telephone

(650) 813-5649

Signature

Date

June 6, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



06.-10-02 09911904.060602 0300 \$

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Please type a plus sign (+) inside this box → ☒

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

174

Application Number

09/911,904

Filing Date

July 23, 2001

First Named Inventor

Spencer B. FARR

Group Art Unit

1642

Examiner Name

To Be Assigned

Attorney Docket No.

400742000200

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form plus copy for fee processing (2 pages)

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declarations

☒ Extension of Time Request (1 page)

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify
below):

1. Copy of Notice of Incomplete Reply
(Nonprovisional) (1 page)
2. Response to Notice of Incomplete Reply
(Nonprovisional) (2 pages)
3. Substitute Specification in compliance
with 37 C.F.R. 1.52 (167 pages)
4. Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

or

Individual Name

Morrison & Foerster LLP, 755 Page Mill Rd, Palo Alto, California 94304-1018

Terri M. Shieh-Newton, Reg. No. 47,081

Signature

Date

June 6, 2002

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV 093227027 US

Date of Deposit: June 6, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Tamara Alcaraz

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



09911904, 060602

PATENT
Docket No. 400742000200

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit: June 6, 2002

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Tamara Alcaraz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Spencer B. FARR et al.

Serial No.: 09/911,904

Filing Date: July 23, 2001

For: CANINE TOXICITY GENES

Examiner: To Be Assigned

Group Art Unit: 1642

RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Box MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed please find the following:

1. Substitute Application with revisions from April 5, 2002 Preliminary Amendment.

During a conversation with Customer Service at the U.S. Patent & Trademark Office on May 14, 2002, permission was given to include the revisions from the Preliminary Amendment submitted April 5, 2002 to the U.S. Patent & Trademark Office to the Substitute Application that we are submitting.

Please note that Applicant is submitting a total of \$780.00 of which \$980.00 is for a 5 month extension of time to extend the date from May 6, 2002 to June 6, 2002 minus the \$200.00

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pa-699278

fee previously paid on April 5, 2002 that extended the date to file the Missing Parts from January 6, 2002 to March 6, 2002.

The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to **Deposit Account No. 03-1952**.

Respectfully submitted,

Dated: June 6, 2002

By: 

Terri M. Shieh-Newton
Registration No. 47,081

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